

**Township of Berkeley Heights
Union County, New Jersey
July 26, 2016**

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Adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News, Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 1, 2016. This meeting will not substantially go past 10:30 p.m.

**COUNCIL MEMBERS:**

Michael D'Aquila  
Edward Delia  
Marc Faecher  
Jeanne Kingsley- President  
Craig Pastore - Vice President  
Thomas Pirone  
Robert Woodruff- Mayor

**AGENDA FOR PUBLIC MEETING**

**I. CALL TO ORDER - 7:00 PM**

**II. ROLL CALL**

**III. FLAG SALUTE**

**IV. CONFERENCE SESSION**

**V. REGULAR AGENDA**

**VI. TOWNSHIP COUNCIL REPORTS**

- A. Michael D'Aquila**
- B. Edward Delia**
- C. Marc Faecher**
- D. Jeanne Kingsley**
- E. Craig Pastore**
- F. Thomas Pirone**

## **VII. ADMINISTRATION REPORTS**

**Mayor Woodruff**

**Township Administrator – John Bussiculo**

## **VII. APPROVAL OF MINUTES –**

**Public Meeting –July 12, 2016**

**Executive Session – February 24, 2015, March 10, 2015**

## **IX. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time. Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

## **X .NEW BUSINESS- RESOLUTIONS**

**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

### **A. RESOLUTIONS**

1. Resolution approving Bill List dated July 26, 2016 in the amount of \$999,070.80.
2. Resolution authorizing the contract with Giordano Company for Recycling Services from September 1, 2016 to December 31, 2018 in the amount not to exceed \$245,000.00.
3. Resolution authorizing the insertion of Click It or Ticket in the amount of \$4,425.42 as additional revenues in the budget of the year 2016.
4. Resolution authorizing the insertion of NJDEP- Clean Communities Program in the amount of \$30,947.12 as additional revenues in the budget of the year 2016.
5. Resolution authorizing the insertion of Recycling Tonnage Grant in the amount of \$8,314.23 as additional revenues in the budget of the year 2016.
6. Resolution authorizing the insertion of the Community Development Block Grant in the amount of \$13,700.00 as additional revenues in the budget of the year 2016.
7. Resolution authorizing the insertion of the Municipal Alcohol Education/Rehabilitation Program in the amount of \$1,389.92 as additional revenues in the budget of the year 2016.
8. Resolution authorizing the insertion of the Kids Recreation Grant in the amount of \$16,834.00 as additional revenues in the budget of the year 2016.

9. Resolution authorizing a Municipal Services Agreement with the Free Acres Association, Inc.
10. Resolution authorizing the Renewal and First Amendment to the Original Contract with the Free Acres Association, Inc.
11. Resolution authorizing the renewal of Giovannis Bistro, LLC. Alcoholic Beverage License for the period of (1) year expiring on June, 30, 2017.
12. Resolution authorizing the renewal of Nickolas T. Agathis, Alcoholic Beverage License for the period of (1) year expiring on June 30, 2017.

**13. CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution removing Russell Luedecker from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- b. Resolution removing Joe Koczot from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- c. Resolution removing Tom English from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- d. Resolution removing Jan Chwiedosiuk from the Active Roster of the Berkeley Heights Volunteer Fire Department.
- e. Resolution authorizing a redemption of Tax Sale Certificate #12-00006 to FWDSL & Associates LP for Block #3503, Lot #14, located at 68 Berkshire Drive in the amount of \$80,244.60.
- f. Resolution authorizing redemption of Tax Sale Certificate #12-00002 to FWDSL & Associates LP for Block #605, Lot #4, located at 53 Bolton Boulevard in the amount of \$56,098.36.

## **XI. INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for August 9, 2016:**

- (1) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, Pursuant to the Local Redevelopment and Housing Law. “**
- (2) **“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION,**

**NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,114,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,058,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF."**

**XII. CITIZENS HEARING - 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

**XIII. EXECUTIVE SESSION –**

1. Attorney-Client Privilege- Litigation-Affordable Housing

**XIV. ADJOURNMENT**

**Ana Minkoff  
Township Clerk**

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 7/26/16, in the amount of \$999,070.80 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township advertised for bids for Recycling Services and such bids were received on July 14, 2016 and the Township Engineer/Director of Public Works by letter dated July 15, 2016 has recommended that the contract be awarded to Giordano Company, 141-156 Frelinghuysen Avenue, Newark, NJ 07201 as the most responsible bidder in the amount of \$245,000.00 for the period of September 1, 2016 to December 31, 2018 "Single Stream" Curbside Recycling Contract and the Township Council concurs.

**NOW, THEREFORE BE IT RESOLVED** that the appropriate municipal officials are authorized to execute a contract with Giordano Company for curbside "Single Stream" Recycling services for a period from September 1, 2016 to December 31, 2018 and the Treasurer is authorized to pay properly completed vouchers in an amount not to exceed \$245,000.00 for such work.

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to Giordano Company, Treasurer and Township Engineer/Director of Public Works.

**APPROVED** this 26<sup>th</sup> day of July, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

# 3

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**Whereas**, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2016:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government Services  
Public and Private Revenues Offset with Appropriations:

|                    |            |
|--------------------|------------|
| Click It or Ticket | \$4,425.42 |
|--------------------|------------|

**BE IT FURTHER RESOLVED**, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and  
Private Programs Offset by Revenues:

|                    |            |
|--------------------|------------|
| Click It or Ticket | \$4,425.42 |
|--------------------|------------|

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

**APPROVED** this 26th day July, 2016

**ATTEST:**

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Aria Minkoff  
Township Clerk

#4

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**Whereas**, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2016:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government Services  
Public and Private Revenues Offset with Appropriations:

NJDEP – Clean Communities Program \$30,947.12

**BE IT FURTHER RESOLVED**, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and  
Private Programs Offset by Revenues:

NJDEP – Clean Communities Program \$30,947.12

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

**APPROVED** this 26th day July, 2016

**ATTEST:**

---

Ana Minkoff  
Township Clerk



#5

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**Whereas**, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2016:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government Services  
Public and Private Revenues Offset with Appropriations:

|                         |            |
|-------------------------|------------|
| Recycling Tonnage Grant | \$8,314.23 |
|-------------------------|------------|

**BE IT FURTHER RESOLVED**, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and  
Private Programs Offset by Revenues:

|                         |            |
|-------------------------|------------|
| Recycling Tonnage Grant | \$8,314.23 |
|-------------------------|------------|

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

**APPROVED** this 26th day July, 2016

ATTEST:

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Ana Minkoff  
Township Clerk

#6

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**Whereas**, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2016:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government Services  
Public and Private Revenues Offset with Appropriations:

|                                   |             |
|-----------------------------------|-------------|
| Community Development Block Grant | \$13,700.00 |
|-----------------------------------|-------------|

**BE IT FURTHER RESOLVED**, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and  
Private Programs Offset by Revenues:

|                                   |             |
|-----------------------------------|-------------|
| Community Development Block Grant | \$13,700.00 |
|-----------------------------------|-------------|

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

**APPROVED** this 26th day July, 2016

**ATTEST:**

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Ana Minkoff  
Township Clerk

# 7

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**Whereas**, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2016:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government Services  
Public and Private Revenues Offset with Appropriations:

|                                                    |            |
|----------------------------------------------------|------------|
| Municipal Alcohol Education/Rehabilitation Program | \$1,389.92 |
|----------------------------------------------------|------------|

**BE IT FURTHER RESOLVED**, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and  
Private Programs Offset by Revenues:

|                                                    |            |
|----------------------------------------------------|------------|
| Municipal Alcohol Education/Rehabilitation Program | \$1,389.92 |
|----------------------------------------------------|------------|

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

**APPROVED** this 26th day July, 2016

**ATTEST:**

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Ana Minkoff  
Township Clerk

#8

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**Whereas**, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2016:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior  
Written Consent of the Director of Local Government Services  
Public and Private Revenues Offset with Appropriations:

|                       |             |
|-----------------------|-------------|
| Kids Recreation Grant | \$16,834.00 |
|-----------------------|-------------|

**BE IT FURTHER RESOLVED**, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and  
Private Programs Offset by Revenues:

|                       |             |
|-----------------------|-------------|
| Kids Recreation Grant | \$16,834.00 |
|-----------------------|-------------|

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

**APPROVED** this 26th day July, 2016

**ATTEST:**

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Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Free Acres Association, Inc. (the "Association") is responsible for the administration and management of the common areas and facilities at the residential development known as Free Acres (hereinafter referred to as the "Development"); and

**WHEREAS**, a portion of the Development is located within the municipal boundaries of the Township of Berkeley Heights, and a portion of the Development is located within the Borough of Watchung; and

**WHEREAS**, in accordance with New Jersey's Municipal Services Act (hereinafter referred to as the "Act"), L.1989, C.299 (N.J.S.A. 40:67-23.1 et seq.), the Township is required either to perform certain specified services on roads and streets in the Development, which is a qualified private community under the Act, or to reimburse the Association to the extent specified in the Act for the actual costs to the Association of providing said specified services; and

**WHEREAS**, the Township and the Association negotiated a Municipal Services Agreement setting forth the terms and conditions of the reimbursement for the specified services as required under the Act to cover the years from 2010 to 2020; and

**WHEREAS**, the Township and the Association desire to enter into the Municipal Services Agreement, in the form attached hereto, which has been reviewed and approved by the Township Attorney, as well as the attorney for the Association; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township to enter into the Municipal Services Agreement with the Association to memorialize the agreed upon terms of the reimbursement for the specified services as required under the Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Municipal Services Agreement with the Free Acres Association, Inc., substantially in the form attached hereto.
2. The appropriate Township officials are hereby authorized to take all actions to take any and all actions required to effectuate the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

## **MUNICIPAL SERVICES AGREEMENT**

THIS MUNICIPAL SERVICES AGREEMENT (the "Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, between the TOWNSHIP OF BERKELEY HEIGHTS, a municipal corporation organized under the Laws of the State of New Jersey, having its principal office at 29 Park Avenue, Berkeley Heights, New Jersey, 07922 (hereinafter referred to as the "Township"), and FREE ACRES ASSOCIATION, INC., a nonprofit corporation of the State of New Jersey, having an office located at c/o Cheryl Venter, 24 Elm Place, Berkeley Heights, New Jersey, 07922 (hereinafter referred to as the "Association").

WHEREAS, the Association is responsible for the administration and management of the common areas and facilities at the residential development known as FREE ACRES ASSOCIATION (hereinafter referred to as the "Development"); and

WHEREAS, a portion of the Development is located within the municipal boundaries of the Township, and a portion of the Development is located within the Borough of Watchung; and

WHEREAS, in accordance with New Jersey's Municipal Services Act (hereinafter referred to as the "Act"), L.1989, C.299 (N.J.S.A. 40:67-23.1 et seq.), the Township is required either to perform certain specified services on roads and streets in the Development, which is a qualified private community under the Act, or to reimburse the Association to the extent specified in the Act for the actual costs to the Association of providing said specified services; and

WHEREAS, the Township and the Association desire to enter into this Agreement to set forth the services and reimbursements to be provided by the Township to the Association in connection with the portion of the Development located within the Township.

NOW, THEREFORE, in accordance with the Act, the parties hereby covenant and agree

as follows:

1. Scope of Agreement. This Agreement will apply to all roads and streets located within the portion of the Development located within the Township.

2. Term of Agreement. This Agreement will commence upon full execution by the parties, and shall expire five (5) years thereafter, unless terminated or modified upon subsequent written agreement of the parties. This Agreement may, however, be modified consistent with subsequent legislative changes or case law decisions by a Court of competent jurisdiction.

3. Services. The Township will provide the following services on the roads and streets within the Development:

A. Street Lighting

The Development does not currently have street lighting. To the extent that the Development determines to install street lighting in the future, upon providing prior written notice of same to the Township, the Township will provide the Association with street lighting services to the same extent that these services are provided to all other Township roadways. The Township will place the light poles designated for these purposes on its electric service account and will pay all electric charges for said service directly to the utility provider, or reimburse the Association for same, at the Township's option. If the Township opts to reimburse the Association for the cost of electrical charges, the Association shall, on an annual basis, not later than March 31 of each year, submit to the Township the electrical invoices received by the Association from the local electrical utility for the cost of supplying electricity to the street and road lights. The Township shall, within ninety (90) days following receipt of same reimburse



the Association an amount equal to the lesser of: (a) the amount set forth in the invoices submitted in accordance with this paragraph; or (b) the Township's average cost of electricity for street lights on municipal streets and roads.

**B. Collection of Refuse and Bulky Waste**

The Township will provide, and/or continue to provide during the term of this Agreement for the collection of bulky waste from members of the Association in the same manner as it provides to single-family residents in the Township. The Township does not provide refuse collection to its residents, with same being privately contracted by individual property owners.

**C. Leaf Removal Services**

The Township will provide the Association with leaf removal services in the same manner as it provides to single-family residences in the Township. Pick-up will occur once a year, normally in the fall of each year, to be scheduled by the Township each year. Pick-ups will be performed by the Township Department of Public Works employees, and be continuous until the end of the program. All leaves must be placed in paper biodegradable bags only (no plastic bags or open containers will be accepted); and leaves shall not be raked into the street. Only leaves shall be included in the paper biodegradable bags and accepted by the Township (bags containing other material will be rejected). Bags must be left at the curblane and should not be placed in the street (gutterline), or otherwise impede the storm water flow or street cleaning. The Township reserves the right to amend and update the terms and conditions of its leaf removal program from time to time.

**D. Reimbursement for the Township's Chipping Program**

The Township shall reimburse the Association for the Association's costs for the chipping of tree branches and limbs. The Township currently provides a chipping program through its Department of Public Works for the chipping of fallen tree branches and limbs; however, is unable to provide same to the Association. As such, the Township shall reimburse the Association for the Association's actual costs incurred for the chipping of fallen branches and limbs. The Township's reimbursement for chipping shall be based on the Township's chipping program (i.e. if the Township's program provides for chipping twice a year, then it will reimburse the Association for chipping twice a year); however, if the Township does not continue its chipping program, then it will provide no reimbursement to the Association. The calculations for the Township's reimbursement shall be based upon the documentation that the Association provides for the Township's review. The amount that the Association is reimbursed by the Township shall not exceed the lesser of the actual cost incurred by the Association or the cost that would be incurred by the Township in providing these to the Association itself. The costs that would be incurred by the Township in providing these services to the Association is calculated to be \$237.92 per chipping event, as set forth in **Exhibit A**, attached hereto and made a part hereof. The Association will submit such necessary documentation required by the Township no later than February 15<sup>th</sup> of each year following the year for which the Association seeks reimbursement. Thus, when sending reimbursement for 2015, the Association shall submit its documentation for this request no later than February 15, 2016. The Township will reimburse the Association by no later than May 31<sup>st</sup> of each year for the chipping expenses for the prior calendar year ending on December 31<sup>st</sup>.

**E.     Reimbursement for the Removal of Snow and Ice from Roads and Streets**

The Township shall reimburse the Association for the Association's costs for removal of snow and ice from its roads. The parties to this Agreement have agreed that in lieu of the Township making payment for the Association's snow removal costs for the preceding five (5) years and paying the Association an amount equal to the lesser of the Association's costs of snow removal or the Township's costs of snow removal for the five (5) years commencing as of January 1, 2016, the Township shall pay the Association the sum of \$9,000.00 per year starting in 2016 and continuing for each of the next succeeding four (4) years. The Association accepts the foregoing payment as full and final payment for all snow and ice removal costs on its streets for all periods of time prior to 2016 and for all years through 2020. The Township shall make its first payment under this paragraph in the amount of \$9,000.00 not later than June 30, 2016 and shall make a like payment prior to June 30 of every succeeding year through 2016. The amount agreed upon in this Agreement constitutes a settlement of claims between the Township and the Association and neither party shall be bound by the amount set forth herein for snow removal costs for any year after 2020.

**4.           Discontinuance of Services.** Nothing in this Agreement will be deemed to require the Township to provide, or to continue to provide, any service(s) to the residents at large of the Township. Should the Township discontinue any particular service(s) now rendered to Township residents, any provision(s) of this Agreement concerning the same service(s) will terminate upon the effective date of discontinuance. In the event any services are discontinued, the Township will provide the Association with prior advance notice in the same manner as it provides such notice

to other residential residents of the Township.

5.           Invalidity or Amendment. Notwithstanding the provisions of Paragraph 2 herein, in the event that the Act, as amended from time to time, is declared by a court of competent jurisdiction to be invalid or is repealed by the legislature, the Township will not be obliged to provide to the Association any of the services covered by the Act, or to pay reimbursement for any outstanding costs incurred by the Association or for any costs incurred by the Association on or after the effective date of such invalidation or repeal, and this Agreement will become null and void as of that date. In the event that the Act is held by a court of competent jurisdiction to be invalid in part, or is amended by the legislature in a manner which reduces this Agreement, including any obligation to reimburse the Association for any outstanding costs incurred by the Association or any costs incurred by the Association on or after the effective date of such court decision or such amendment with respect to any services affected by the decision or the amendment, will be reduced or voided accordingly. However, the Association will not be obliged to refund the Township any monies which it may have received from the Township on or before the effective date for reimbursement under the terms of this Agreement. Conversely, in the event the subsequent enactment of legislation or decision by a Court of competent jurisdiction expands the Township's obligations or requirements under the Act, the Association will be entitled to receive the benefit of any such legislation or decision.

6.           Successors. This Agreement will inure to the benefit of, and be binding upon, the respective successors, representatives, and assigns of the parties, except that any reimbursement due to the Association will be paid to the Association rather than

to their grantees, unless the Association expressly gives contrary written instructions to the Township.

7. Township's Representative. The Township Committee of Berkeley Heights (hereinafter referred to as the "Township Committee") delegates the Township Administrator, or in the Administrator's absence, the Township's Chief Financial Officer, the power to act on behalf of the Township Committee in any instance in which this Agreement provides for some action by the Township. This provision will not override any provision of law which, in particular matters, does not permit delegation of the Township Committee's powers.

8. Headings. Paragraph headings in this Agreement are for convenience of reference only, and are to be disregarded in interpreting this Agreement.

9. Notices. Notices relating to this Agreement will be in writing, mailed to the following addresses, or such different addresses as any party may designate for itself by notice to the others:

**For the Township:**

**Township Clerk  
29 Park Ave.  
Berkeley Heights, New Jersey 07922**

**With a copy to:**

**Joseph Sordillo, Esq.  
McElroy, Deutsch, Mulvaney & Carpenter  
1300 Mt. Kemble Ave  
P.O. Box 2075  
Morristown, New Jersey 07962-2075**

**For the Association:**

**Free Acres Association, Inc.  
c/o Cheryl Venter  
24 Elm Place  
Berkley Heights, New Jersey 07922**

**With a copy to:**

**J. David Ramsey, Esq.**

**Becker & Poliakoff, LLP  
67 Park Place East, Suite 702  
Morristown, New Jersey 07960**

12. Full Consideration. Provided payment for the services specified herein is made as required under this Agreement, the Association agrees to accept the Township's annual payment as good, adequate and full consideration for the services provided by the Association.

13. Conflicts with Act. To the extent that this Agreement may conflict with the terms of any law, the terms of the Municipal Services Act shall prevail.

14. Recording of Agreement. This Agreement may be recorded in the Office of the County Clerk by the Township or the Association at either party's expense.

15. Agreement to Contain all Provisions. It is mutually agreed that the Agreement is the entire Agreement and that no oral or other evidence shall contradict this Agreement unless set forth in writing and executed by both parties.

**IN WITNESS HEREOF**, the parties accept and enter into this Agreement on this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

**TOWNSHIP OF BERKELEY HEIGHTS**

By: \_\_\_\_\_  
Ana Minkoff, Township Clerk

By: \_\_\_\_\_  
Robert Woodruff, Mayor

**ATTEST:**

**FREE ACRES ASSOCIATION, INC.**

By: \_\_\_\_\_  
, Secretary

By: \_\_\_\_\_  
, President

Agenda Item No.: 10

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Free Acres Association, Inc. (the "Association") is responsible for the administration and management of the common areas and facilities at the residential development known as Free Acres (hereinafter referred to as the "Development"); and

**WHEREAS**, a portion of the Development is located within the municipal boundaries of the Township of Berkeley Heights, and a portion of the Development is located within the Borough of Watchung; and

**WHEREAS**, the Township and the Association entered into a contract for the Township's acceptance of residential sanitary sewer from the residential units of the Association located outside of the municipal boundaries of the Township, and located in the Borough of Watchung, which original contract was dated August 21, 1961 (the "Original Contract"); and

**WHEREAS**, the Original Contract expired in August 1991; and

**WHEREAS**, since the expiration of the Original Contract, the Township has continued to accept sanitary sewer from the Owner, subject to the same terms and conditions of the Original Contract except for the compensation for same; and

**WHEREAS**, the Township and the Association are desirous of renewing and amending the Original Contract subject to the amended terms negotiated by the parties, which shall govern until a new longer term agreement can be negotiated and approved; and

**WHEREAS**, the Township and the Association are willing to renew and amend the Original Agreement pursuant to the terms set forth in the Renewal and First Amendment to the Original Agreement setting forth the terms and conditions for the extended term of the Original Contract; and

**WHEREAS**, the Director of the Township Water Pollution Control Plant advises that there is no objection to extending the Agreement for an additional five years; and

**WHEREAS**, the Township and the Association desire to enter into the Renewal and First Amendment, in the form attached hereto, which has been reviewed and approved by the Township Attorney, as well as the attorney for the Association; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township to enter into the Renewal and First Amendment to the Original Contract with the Association to memorialize the agreed upon terms for the extended term.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Renewal and First Amendment to the Original Contract with the Free Acres Association, Inc., substantially in the form attached hereto.
2. The appropriate Township officials are hereby authorized to take all actions to take any and all actions required to effectuate the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk



This Renewal and First Amendment ("Amendment") made this \_\_\_\_ day of \_\_\_\_\_, 2014, between the FREE ACRES ASSOCIATION, a corporation of the State of New Jersey, with an address at c/o Cheryl Venter, 24 Elm Place, Berkeley Heights, New Jersey, 07922 (hereinafter referred to as "Owner"); and the TOWNSHIP OF BERKELEY HEIGHTS IN THE COUNTY OF UNION and State of New Jersey, a municipal corporation of the State of New Jersey, with an address at 29 Park Avenue, Berkeley Heights, New Jersey 07922 (hereinafter referred to as "Township").

WHEREAS, the Township and the Owner entered into a contract for the Township's acceptance of sanitary sewer from the residential units of the Owner located outside of the municipal boundaries of the Township, and located in the Borough of Watchung, which original contract was dated August 21, 1961 (the "Original Contract"); and

WHEREAS, the Original Contract expired in August 1991; and

WHEREAS, since the expiration of the Original Contract, the Township has continued to accept sanitary sewer from the Owner, subject to the same terms and conditions of the Original Contract except for the compensation for same; and

WHEREAS, the Township and the Owner are desirous of renewing and amending the Original Contract subject to the amended terms set forth herein, which shall govern until a new longer term agreement can be negotiated and approved; and

WHEREAS, the Township and the Owner are willing to renew and amend the Original Agreement pursuant to the terms herein.

NOW, THEREFORE, pursuant to the foregoing and as approved by proper resolution by the parties, the Township, pursuant to the applicable statutes of the State of New Jersey including, without limitation, N.J.S.A. 40:63-19, and in consideration of the promises and undertakings of the parties as herein set forth herein and the Original Contract, the parties hereby agree as follows:

- A. The effective date of this Amendment shall be January 1, 2014. This Amendment shall continue for a period of three (3) years, expiring on December 31, 2017.
- B. The capacity of the Berkeley Heights system for the purpose of this agreement is 3,100,000 gallons average daily flow;
- C. The Eighth Paragraph of the Original Contract shall be deleted and replaced as follows:

The Owner shall pay to the Township thirty (30) days after presentation of bills therefore, for capacity rights, rental and treatment costs, the following charges for the eleven (11) Free Acre homes located in the Borough of Watchung:

1. A use charge billed annually based on a ratio of flow from the eleven homes to the total flow into the Berkeley Heights central plant multiplied by the most recent total annual

sewer system operating costs available, plus fifteen (15%) percent thereof for administrative costs. Any charges billed by the Township to the Owner prior to the date of this Agreement but after the expiration of the original sewer service agreement referenced in the recitals are represented to have been consistent with the terms of this paragraph.

2. In addition to the annual sewer fee as stated above, if it should be necessary to make major repairs or upgrades, which shall not include routine repairs and maintenance, to any section of the Berkeley Heights System used in the handling and treatment of wastewater received from the eleven (11) Free Acres homes located in the Borough of Watchung, then Owner shall pay to the Township a pro-rata share of the cost and expense of such work as determined based on the ratio below:

$$\frac{\text{Free Acres eleven (11) Watchung homes flow, gallons}}{\text{Flow Berkeley Heights, gallons}} \times \text{Capital Costs}$$

Thus, by way of illustration, if the cost of the improvements to the relevant portion of the Berkeley Heights System (e.g. that portion of the system serving the lots on the Owner's property) is \$500,000, the Free Acres eleven (11) Watchung homes flow is 3,300 gallons per day ("GPD") (calculated at the rate of 300 GPD for 11 homes) and the Berkeley Heights Flow for those properties served by the improvements is 1,700,000 GPD (calculated in accordance with sewer service usage as calculated under the regulations promulgated by the New Jersey Department of Environmental Protection for wastewater usage), then the amount due by the Owner to the Township would be \$1,147.05, determined as follow:

$$\frac{\$500,000 \times 3,300}{1,700,000} = \$970.59$$

3. Daily Flow, for the Free Acres eleven (11) Watchung homes, for the purposes of this Agreement shall be 300 gallons per day per home. (3,300 gallons per day)
- D. All other terms and conditions of the Original Contract shall stay in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be signed and attested by their respective proper officers and their corporate seals to be hereto affixed, the day and year first above written.

ATTEST:

FREE ACRES ASSOCIATION, INC.

\_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title: Chairman of the Board of Trustees

ATTEST:

THE TOWNSHIP OF BERKELEY HEIGHTS

\_\_\_\_\_  
Name: Ana Minkoff  
Title: Township Clerk

By: \_\_\_\_\_  
Name: Robert Woodruff  
Title: Mayor

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, renewal applications for 2016/2017 Alcoholic Beverage Licenses in proper form, together with the appropriate license fees, have been received from the following:

**PLENARY RETAIL CONSUMPTION LICENSE**

**Giovannis Bistro LLC. – (INACTIVE)**  
449 Springfield Avenue

#2001-33--004-008

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, that the aforementioned Alcoholic Beverage License is hereby renewed for a period of one (1) year expiring June 30, 2017.

Copies of this Resolution are to be forwarded to the Alcoholic Beverage Control Commission, the above licenses, Board of Health, Construction Code Official, Police Department, and Fire Department.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, renewal applications for 2016/2017 Alcoholic Beverage Licenses in proper form, together with the appropriate license fees, have been received from the following:

**PLENARY RETAIL DISTRIBUTION LICENSE**

**Nickolas T. Agathis. – (INACTIVE)**

**#2001-44--003-009**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, that the aforementioned Alcoholic Beverage License is hereby renewed for a period of one (1) year expiring June 30, 2017.

Copies of this Resolution are to be forwarded to the Alcoholic Beverage Control Commission, the above licenses, Board of Health, Construction Code Official, Police Department, and Fire Department.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**Russell Luedecker, 898 Valley Road, Stirling, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Russell Luedecker and the Fire Chief.

**APPROVED this 26th day of July, 2016.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**Joe Koczot, 196 Lincoln Street, Berkeley Heights, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Joe Koczot and the Fire Chief.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**Tom English, 58 Magna Drive, Gillette, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Tom English and the Fire Chief.

**APPROVED this 26th day of July, 2016.**

**ATTEST:**

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Ana Minkoff  
Township Clerk



**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**Jan Chwiedosiuk, 249 High Street, Gillette, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Jan Chwiedosiuk and the Fire Chief.

**APPROVED** this 26th day of July, 2016.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights issued Tax Sale Certificate #12-00006 to lien holder: FWDSL & Associates for Block #3503, Lot #14, located at 68 Berkshire Drive, Berkeley Heights, New Jersey; and

**WHEREAS**, the owner of such property have now redeemed such certificate and the lien holder: FWDSL & Associates LP , 17 W. Cliff Street, Somerville, NJ 08876 is entitled to receive redemption in the amount of \$80,244.60 to be paid by or on behalf of the homeowner.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, that the Treasurer is authorized to pay out the sum of \$80,244.60 in redemption of Tax Sale Certificate #12-00006 upon the submission of a properly completed voucher and surrender of such certificate. Copies of this Resolution are to be forwarded to, FWDSL & Associates LP, Tax Collector and the Treasurer.

**APPROVED this 26th day of July 2016.**

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights issued Tax Sale Certificate #12-00002 to lien holder: FWDSL & Associates for Block #605, Lot #4, located at 53 Bolton Blvd., Berkeley Heights, New Jersey; and

**WHEREAS**, the owner of such property have now redeemed such certificate and the lien holder: FWDSL & Associates LP , 17 W. Cliff Street, Somerville, NJ 08876 is entitled to receive redemption in the amount of \$56,098.36 to be paid by or on behalf of the homeowner.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, that the Treasurer is authorized to pay out the sum of \$56,098.36 in redemption of Tax Sale Certificate #12-00002 upon the submission of a properly completed voucher and surrender of such certificate. Copies of this Resolution are to be forwarded to, FWDSL & Associates LP, Tax Collector and the Treasurer.

**APPROVED this 26th day of July 2016.**

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

EXPLANATORY STATEMENT: This ordinance authorizes and adopts a Redevelopment Plan for the redevelopment of the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library is currently situated, pursuant to the Local Redevelopment and Housing Law.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. \_\_\_\_\_

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, Pursuant to the Local Redevelopment and Housing Law.

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located within the municipality constitute areas in need of non-condemnation redevelopment, and the adoption of a redevelopment plan governing the redevelopment project; and

**WHEREAS**, on April 21, 2015, the Township Council of the Township of Berkeley Heights, by way of Resolution, authorized and directed the Berkeley Heights Planning Board (the "Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the properties identified as Block 1301, Lot 19; Block 1301, Lot 26; Block 208, Lot 38; a portion of Block 208, Lot 39; and a portion of Block 208, Lot 40, as shown on the Tax Map of the Township (the "Study Area"), constitute an area in need of non-condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, within the Study Area was the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library is currently situated (the "Redevelopment Area"); and

**WHEREAS**, on May 6, 2015, the Planning Board authorized Michael J. Mistretta, P.P., Lic. No. 00575900, of Harbor Consultants, Inc. (the "Planning Consultant") to conduct an investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area (the "Study"); and

**WHEREAS**, the Planning Consultant prepared a Study, entitled "Preliminary Investigation Report for the Redevelopment of the Township of Berkeley Heights Municipal Complex," dated August 2015 (the "Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment, as well as a map of the Study Area; and

**WHEREAS**, upon proper notice, and in compliance with the Redevelopment Law, the Planning Board conducted a public hearing on September 16, 2015 to determine whether the Study Area met the criteria as an area in need of redevelopment, at which hearing the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Study and the Report to the Planning Board; and

**WHEREAS**, in addition to the presentation of the Planning Consultant, at the public hearing the Planning Board heard testimony and evidence from members of the general public, who also were given an opportunity to cross-examine the Planning Consultant and address questions to the Planning Board concerning the potential designation of the Study Area as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Planning Consultant concluded that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5, as follows:

| <b>Property</b>                           | <b>Redevelopment Criteria</b>   |
|-------------------------------------------|---------------------------------|
| Block 208, Lot 38                         | Criteria (c), (h) and Section 3 |
| Block 208, Lot 39                         | Criteria (c), (e) and (h)       |
| Block 208, Lot 40                         | Criteria (c), (e) and (h)       |
| Block 1301, Lot 19                        | Criteria (a), (d) and (h)       |
| Block 1301, Lot 26 ("Redevelopment Area") | Criteria (a), (d) and (h)       |

and that the Study Area is an area in need of non-condemnation redevelopment; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5 as determined by the Planning Consultant, that the public questions and comments did not erode the Planning Consultant's testimony or conclusions, and that the collective designation of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Redevelopment Area; and the Planning Board unanimously voted to recommend that the Township Council find that the Study Area be designated a an area in need of non-condemnation redevelopment meeting the criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5; and

**WHEREAS**, on September 30, 2015, the Planning Board adopted a Resolution memorializing the public hearing and decision on September 16, 2015; and

**WHEREAS**, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Township Council agreed with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for redevelopment area designation, finding that such conclusion is supported by substantial evidence; and, by Resolution No. 2011-2015, adopted on October 6, 2015, designated the Study Area as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law, and

**WHEREAS**, upon submission of the Township's designation of the Study Area as an area in need of redevelopment to the Commissioner of the New Jersey Department of Community Affairs for review and approval, the Township received a letter dated November 16, 2015 from

Charles A. Richman, DCA Commissioner, approving the redevelopment designation and applauding the Township's actions relating to same; and

**WHEREAS**, the Township authorized Harbor Consultants, Inc., Township Planners, in consultation with the appropriate Township officials, to prepare a redevelopment plan for the development of a the Redevelopment Area, being a portion of the Study Area; and

**WHEREAS**, Harbor Consultants, Inc., presented a redevelopment plan entitled "Redevelopment Plan for the Berkeley Heights Township Public Library," dated July 21, 2016, prepared by Harbor Consultants, Inc. (the "Redevelopment Plan"), in the form substantially attached hereto, to the Township Council for its consideration and adoption pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights finds it to be in the best interests of the Township and its citizens to adopt the Redevelopment Plan for the Redevelopment Area for the redevelopment of the Township municipal complex.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The redevelopment plan entitled "Redevelopment Plan for the Berkeley Heights Township Library," dated July 21, 2016, prepared by Harbor Consultants, Inc. (the "Redevelopment Plan"), in the form substantially attached hereto, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**Section 3.** The zoning district map in the zoning ordinances of the Township is hereby amended to include the boundaries described in the Redevelopment Plan and the provisions therein.

**Section 4.** All of the provisions of the Redevelopment Plan shall superseded the applicable development regulations of the Township's ordinances, as and where indicated, for the Redevelopment Area.

**Section 5.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular Township business hours.

**Section 6.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 7.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances

of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 8.** The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 9.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights for its review in accordance with N.J.S.A. 40A:12A-7(e). The Planning Board is directed to make and transmit to the Township Council, within 45 days after referral, a report including an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 10.** This Ordinance, after adoption, shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

**Section 11.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Robert Woodruff, Mayor

\_\_\_\_\_  
Ana Minkoff, Township Clerk